

Commonwealth of Massachusetts

BERKSHIRE, ss.

FILED
SUPERIOR COURT
CIVIL ACTION

No. 04 CV 30077-KPN

Michael A. Deep

U.S. DISTRICT COURT
DISTRICT OF MASS

City of North Adams; John Barrett, Mayor; North Adams Planning Board; Michael Leary; Paul Hopkins; William Schrade; Joseph Gniadek; Paul Senecal; David Babcock; Edna Rudnick; Kyle Hanlon & Wayne Wilkinson as Members of the North Adams Planning Board; and Katherine Eade, Administrative Officer of the City of North Adams.

Defendant(s)

SUMMONS

To the above-named Defendant: David Babcock

You are hereby summoned and required to serve upon Fred T. Thompson

plaintiff's attorney, whose address is 66 Summer St. North Adams, MA 01247

....., an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Pittsfield either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, ROBERT L. STEADMAN, Esquire at Pittsfield, the 1st day of April, in the year of our Lord one thousand nine hundred and two thousand four.

Richard S. Caplen
CLERK.

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED
(1) — TORT — (2) MOTOR VEHICLE TORT — (3) CONTRACT — (4) — EQUITABLE RELIEF — (5) — OTHER

NOTICE TO DEFENDANT—You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

COMMONWEALTH OF MASSACHUSETTS
BERKSHIRE, ss. SUPERIOR COURT
CIVIL ACTION

No.

Michael A. Deep
....., Plff(s).

City of North Adams; John Barrett, Mayor; North Adams Planning
Board; Michael Leary; Paul Hopkins; William Schrade; Joseph
Gladdek; Paul Senecal; David Babcock; Edna Rudnick; Kyle Hanlon
& Wayne Wilkinson as Members
of the North Adams Planning Board, & Katherine Eade
Administrative Officer of the City of North Adams.

SUMMONS

(Mass. R. Civ. P. 4)

19

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN
THIS BOX ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

[Signature]
Deputy Sheriff

Deputy Sheriff, Ronald P. Clark

I hereby certify and return that on 4/12/2004 at 6:00PM I served a true and attested copy of the Summons &
Verified Complaint in this action in the following manner: To wit, by delivering in hand to David Babcock at 10
Main Street, North Adams, MA 01247. Attestation (\$5.00), Conveyance (\$4.50), Postage & Handling (\$1.00),
Service Fee (\$30.00), Travel (\$20.48) Total Charges \$60.98

Berkshire County Sheriff's Office • Judicial Process Division
467 Cheshire Rd. • Pittsfield, MA 01201 • (413) 443-6841
April 13, 2004



PROOF OF SERVICE OF PROCESS